

Lawmakers ask court to open records on Grady settlement

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Top state lawmakers went to court Wednesday in hopes of unsealing a legal agreement among Emory University, Grady Health System and a doctor who accused the facilities of defrauding the federal government of millions of dollars.

Grady's refusal to release the agreement to Sen. David Shafer (R-Duluth) prompted the legislators to ask Fulton County Superior Court Judge Wendy Shoob to unseal court records in the case.

"Lawsuits alleging wrongdoing by public officials or misuse of public funds should never be litigated or settled under seal," Shafer said.

The motion was filed on behalf of members of a House committee studying ways to save the financially troubled hospital as well as Shafer, Senate President Pro-Tem Eric Johnson (R-Savannah), Senate Majority Leader Tommie Williams (R-Lyons) and Senate Republican Caucus Chairman Dan Moody (R-Alpharetta).

It is the latest in a series of questions lawmakers -- who are being asked to consider increased funding for the hospital -- have raised about Grady's operations.

Dr. James Murtagh, an Emory University physician, filed a lawsuit in 2000 accusing Emory and Grady of conspiring to defraud the government. The lawsuit said the doctor was cooperating in a separate federal investigation into wrongdoing at the hospital. The university denied the allegations at the time, and Grady had no comment. A settlement eventually was reached, officials said.

Shafer requested the settlement agreement and payment records in the case last month. Grady officials said the documents are exempt from the state's Open Records Act.

Shafer argues that the public has a right to know if the whistle-blower's allegations were investigated and what was found.

The lawmakers' filing states: "There have also been widespread allegations that Grady may have mismanaged public funds which resulted in the financial crisis it faces today. The silencing of whistleblowers through cash payments and confidential settlements and the conduct of whistleblower litigation under seal undermines public confidence in Grady, interferes with the ability of the Georgia General Assembly to properly investigate the crisis involving Grady, deters the State of Georgia from financially assisting Grady and potentially jeopardizes the survival of Grady."

Emory's attorney sent a letter Wednesday to Grady's attorney saying Emory will encourage Grady to withdraw its objection if Murtagh agrees to ask the judge to unseal not only the settlement agreement but the entire court record.

"That way, the settlement agreement will not be viewed in isolation, and Sen. Shafer and the public can draw their own conclusions about the facts surrounding the agreement," Emory attorney Todd Wozniak wrote.

Murtagh on Wednesday referred comment to his attorney.

Staff writer Craig Schneider contributed to this article.

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